

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

JANICE LEE SMITH,

CASE NO. C18-997 RSM

Plaintiff,

VS.

MILODRAGOVICH, DALE &
STEINBRENNER, P.C., a Montana
Professional Corporation; LON J. DALE,
and; MICHAEL BYBEE,

FOURTH JOINT STIPULATION AND
ORDER TO EXTEND DEADLINE
FOR COMPLETION OF SERVICE OF
PROCESS AND FOR DEFENDANT
TO ANSWER

Defendants.

COME NOW JANICE LEE SMITH, Plaintiff herein, and MILODRAGOVICH, DALE & STEINBRENNER, P.C., by and through their respective, undersigned counsel of record, and stipulate and agree as follows:

1 Plaintiff filed the Complaint in this case on July 5, 2018

2 The Complaint in this case is related to the Chapter 11 bankruptcy of

Plaintiff Janice Smith, United States Bankruptcy Court for the Western District of Washington, Case no. 17-10988-TWD.

3. Defendant Milodragovich, Dale & Steinbrenner, P.C. waived service of process.

4 Plaintiff has not completed service of process on Defendants Jon J. Dale

1 and Michael Bybee, both of whom are principals and/or employees of Defendant
2 Milodragovich, Dale and Steinbrenner, P.C.
3

4 5. Pursuant to Fed. R. Civ. P. 4(m), the initial deadline for completing
5 service of process on Defendant Dale and Bybee was October 3, 2018.
6

7 6. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(ii), the Answer of Defendant
8 Milodragovich, Dale & Steinbrenner, P.C. was initially due on or about October 1,
9 2018.

10 6. Plaintiff Smith, Defendant Milodragovich, Dale & Steinbrenner, P.C.,
11 and the Cote family (who are judgment creditors of Plaintiff Janice Smith) had
12 initially scheduled mediation of this case and other related matters, to be conducted by
13 mediator Armand J. Kornfeld on November 2, 2018 in Seattle, Washington. The docket
14 of Ms. Smith's bankruptcy case no. 17-10988-TWD includes a Stipulation related to the
15 parties' mediation [Dkt. 122] and Order Appointing Mediator [Dkt. 124].
16

17 7. Based on those facts, the Court granted the parties' first Joint Stipulation
18 to extend the deadline for completion of service of process to December 3, 2018, and
19 the filing of defendant's Answer to December 17, 2018.
20

21 8. Unfortunately, on or about October 30, 2018, the attorney for the Cote
22 family (Bradley R. Duncan of Hillis Clark Martin & Peterson was summoned to appear
23 in the United States District for the Eastern District of New York to appear in Court
24 with his client on November 2, 2018. As a result, the parties had no choice but to
25

1 postpone the mediation scheduled for November 2, 2018. The parties subsequently
2 re-scheduled the mediation to be conducted by Mr. Kornfeld on December 11, 2018.
3

4 9. Based on these circumstances, Plaintiff Janice Smith and Defendant
5 Milodragovich, Dale & Steinbrenner, P.C. entered into a Second Stipulation to extend
6 the deadline for Plaintiff to complete service of process on the remaining defendants,
7 Lon J. Dale and Michael Bybee, through and including Monday, January 7, 2019, and
8 further agreed to extend the due date for the Answer of Defendant Milodragovich, Dale
9 & Steinbrenner, P.C. to January 21, 2019. The Court granted the Second Stipulation
10 by Order entered on November 28, 2018 [Dkt. 11].

12 10. The parties, including the Cote family group thereafter engaged in a
13 three-way mediation, with mediator Armand “Jay” Kornfeld on December 11, 2018.
14 Although the parties did not reach a settlement at that time, the parties continued to
15 actively negotiate through mediator Kornfeld since that date.
16

17 11. Based on these circumstances, Plaintiff Janice Smith and Defendant
18 Milodragovich, Dale & Steinbrenner, P.C. entered into a Third Stipulation to extend the
19 deadline for Plaintiff to complete service of process on the remaining defendants, Lon
20 J. Dale and Michael Bybee, through and including Monday, January 21, 2019, and
21 further agreed to extend the due date for the Answer of Defendant Milodragovich, Dale
22 & Steinbrenner, P.C. to February 4, 2019. The Court granted this Third Joint
23 Stipulation on December __, 2018.
24

1 12. The three-way mediation process has continued, without interruption and
2 counsel for the parties jointly stipulate and represent to the Court that the parties have
3 continued to make progress throughout the mediation process.

4 13. Based on these circumstances, Plaintiff Janice Smith and Defendant
5 Milodragovich, Dale & Steinbrenner, P.C. stipulate and agree to extend the due date for
6 Plaintiff to complete service of process on the remaining defendants, Lon J. Dale and
7 Michael Bybee, through and including Monday, February, 2019, and further agreed to
8 extend the due date for the Answer of Defendant Milodragovich, Dale & Steinbrenner,
9 P.C. to February 18, 2019.

10
11 DATED: January 22, 2019.
12

13 WAID LAW OFFICE, PLLC

14 BY: /s/ Brian J. Waid
15 BRIAN J. WAID
16 WSBA No. 26038
17 Attorney for Plaintiff

18 SCHWABE, WILLIAMSON & WYATT
19

20 BY: /s/ Christopher H. Howard
21 CHRISTOPHER H. HOWARD
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25 Attorneys for Defendant
 Milodragovich, Dale &
 Steinbrenner, P.C.

ORDER

The Court extends the due date for Plaintiff to complete service of process on the remaining defendants, Lon J. Dale and Michael Bybee, through and including Monday, February 4, 2019, and extends the due date for the Answer of Defendant Milodragovich, Dale & Steinbrenner, P.C. to February 18, 2019.

DATED this 24th day of January 2019.


RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT
JUDGE